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In re Application of :
DUNKEL et al. :
U.S. App. No. 10/511,742 :
PCT No.: PCT/EP03/03894 :
Int. Filing Date: 15 April 2003 :
Priority Date: 24 April 2002 :
Attorney Docket No.: CS8372/LeA35,931 :
For: METHYLTHIOPHENE :
CARBOXANILIDES :

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is in response to applicant's "Petition under 37 CFR 1.182" filed 24 October 2005 to amend the International Application number listed on the Transmittal Letter (Form PTO-1390) filed 18 October 2004. The requisite \$400 petition fee will be charged to Deposit Account no. 50-2510, as authorized.

BACKGROUND

On 15 April 2003, applicant filed international application no. PCT/EP03/03894 which claimed a priority date of 24 April 2002, and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 November 2003. Pursuant to 37 CFR 1.495, the deadline for entry into the national stage in the United States expired 30 months from the priority date, on 24 October 2004.

On 18 October 2004, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials: an authorization to charge deposit account the basic national fee of \$950; a preliminary amendment; and a copy of the international application for PCT/EP03/03894. However, the Transmittal Letter (Form PTO-1390) submitted by the applicant misidentified the international application number as PCT/EP02/03894. It is noted that Transmittal Letter otherwise properly identified the title, inventors, international filing date, and priority date for the intended PCT application (PCT/EP03/03894).

Based on the erroneous international application number listed on the Transmittal Letter, the present national stage application file was created for PCT/EP02/03894, rather than for PCT/EP03/03894.

On 24 October 2005, applicant filed "Petition under 37 CFR 1.182."

DISCUSSION

In the present petition, applicant confirms that the listing of PCT/EP02/03894 in the original Transmittal Letter was an error, and that it was applicant's intent for the Transmittal Letter to refer to PCT/EP03/03894 as listed on the international application attached to the original Transmittal Letter. Applicant has provided the required \$400 petition fee to correct the error on the Transmittal Letter filed 18 October 2004. Accordingly, the petition under 37 CFR 1.182 is granted. This national stage file (10/511,742) is the national stage of PCT/EP03/03894.

CONCLUSION

The petition under 37 CFR 1.182 is GRANTED.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for continued processing including: (1) correcting USPTO records so as to identify the present application as a national stage of PCT/EP03/03894; (2) removing all documents pertaining to PCT/EP02/03894; and (3) issuing a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the \$130 surcharge for filing the oath or declaration after the thirty-month period is required.



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